

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**Sable Networks, Inc. and
Sable IP, LLC,**

Plaintiffs,

v.

Cloudflare, Inc.,

Defendant.

**Civil Action No.
6:21-cv-00261-ADA**

JURY TRIAL DEMANDED

JOINT STIPULATION TO DISMISS CERTAIN OF PLAINTIFFS' ALLEGATIONS

WHEREAS, the above-captioned action was filed by Plaintiffs Sable Networks, Inc. and Sable IP, LLC (collectively, “Plaintiffs” or “Sable”) against Defendant Cloudflare, Inc. (“Defendant” or “Cloudflare”) in the United States District Court for the Western District of Texas, Waco Division on March 15, 2021;

WHEREAS, in the above-captioned action, Sable alleges: (1) Cloudflare induces infringement of the four asserted United States patents; and (2) Plaintiffs are entitled to enhanced damages arising from Cloudflare’s willful infringement of the four asserted United States patents (collectively, the “Allegations”);

WHEREAS, Cloudflare indicated its intention to file a motion to dismiss the Allegations;

WHEREAS, Plaintiffs deny that there is any infirmity with the Allegations;

WHEREAS, Plaintiffs acknowledge this Court has a standard practice of dismissing allegations of induced infringement and willful infringement without prejudice to plaintiffs conducting discovery on both issues and without prejudice to plaintiffs amending the complaint to allege induced infringement and/or willful infringement after fact discovery is open;

WHEREAS, Plaintiffs and Defendant have met and conferred and agreed that Plaintiffs will voluntarily dismiss the Allegations; however, Plaintiffs and Defendant acknowledge that: (1) this dismissal is pursuant to the Court's standard practice; (2) this Stipulation is not intended to serve as a reflection on the adequacy or inadequacy of any allegations contained in the Complaint; and (3) that the dismissal of the Allegations is without prejudice to Plaintiffs seeking discovery on these issues, to which Cloudflare reserves its rights to raise appropriate objections, and without prejudice to Plaintiffs amending the Complaint to allege induced and/or willful infringement after fact discovery in this action is open and in accordance with the Court's case schedule;

NOW, THEREFORE, Plaintiffs and Defendant hereby jointly stipulate to the entry of an order dismissing the Allegations without prejudice.

Dated: April 30, 2021

Respectfully submitted,

s/Steven Callahan

STEVEN CALLAHAN

Texas State Bar No. 24053122

scallahan@ccrglaw.com

CHRISTOPHER T. BOVENKAMP

Texas State Bar No. 24006877

cbovenkamp@ccrglaw.com

ANTHONY M. GARZA

Texas State Bar No. 24050644

agarza@ccrglaw.com

CHARHON CALLAHAN

ROBSON & GARZA, PLLC

3333 Lee Parkway, Suite 460

Dallas, Texas 75219

Telephone: (214) 521-6400

Telecopier: (214) 764-8392

Counsel for Defendant Cloudflare, Inc.

s/Daniel P. Hipskind

Dorian S. Berger (CA SB No. 264424)

Daniel P. Hipskind (CA SB No. 266763)

BERGER & HIPSKIND LLP

9538 Brighton Way, Ste. 320

Beverly Hills, CA 90210

Telephone: (323) 886,3430

Facsimile: (323) 978-5508

Email: dsb@bergerhipskind.com

Email: dph@bergerhipskind.com

Elizabeth L. DeRieux

State Bar No. 05770585

CAPSHAW DERIEUX, LLP

114 E. Commerce Ave.

Gladewater, TX 75647

Telephone: (903) 845-5770

Email: ederieux@capshawlaw.com

*Counsel for Plaintiffs Sable Networks, Inc. and
Sable IP, LLC*

CERTIFICATE OF CONFERENCE

I hereby certify that the parties conferred via e-mail on April 30, 2021, and that Sable Networks, Inc., Sable IP, LLC, and Cloudflare, Inc. agree to request the relief sought herein.

s/Steven Callahan
STEVEN CALLAHAN

CERTIFICATE OF SERVICE

I hereby certify that, on April 30, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Dorian S. Berger, Esq.
Daniel P. Hipskind, Esq.
Berger & Hipskind LLP
9538 Brighton Way, Ste. 320
Beverly Hills, California 90210
Telephone: 323-886-3430
Telecopier: 323-978-5508
dsb@bergerhipskind.com
dph@bergerhipskind.com

Elizabeth L. DeRieux, Esq
Capshaw DeRieux, LLP
114 E. Commerce Ave.
Gladewater, TX 75647
Telephone: 903-845-5770
ederieux@capshawlaw.com

s/Steven Callahan
STEVEN CALLAHAN